

**MINUTES
TOWN OF EDGEWOOD
REGULAR COUNCIL MEETING – AUGUST 6, 2008 @ 6:30 P.M.
EDGEWOOD COMMUNITY CENTER - #27 E. FRONTAGE ROAD**

1. CALL TO ORDER.

Mayor Stearley called the Meeting to order at 6:30P.M.

All Councilors were present with the exception of Councilor Simmons

Also in attendance were Ms. Karen Mahalick, Community Planning & Zoning Manager, and Ms. Estefanie B. Muller, Clerk – Treasurer.

2. PLEDGE OF ALLEGIANCE.

3. APPROVAL OF AGENDA.

Mayor Stearley suggested that the Council table Items 7D & E, Item 12, and Item 21Y.

MOTION: Councilor Felton made a motion to accept the Agenda as presented with the removal of Items 7 and 21. Councilor Hill seconded for discussion.

Councilor Hill stated that Item 12 could be tabled at the wish of Councilor Simmons at that time.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. The motion carried.

4. MATTERS FROM THE MAYOR.

A. Budget Discussion.

Mayor Stearley gave an update on the GRT Revenue from Wal-Mart and asked Council to look at several areas that the revenue could be applied.

At this time Councilor Simmons was present.

The Council agreed to schedule a Budget Meeting for August 19, 2008 at 6:00 PM.

5. TOWN OF EDGEWOOD OFFICE ASSISTANT APPROVAL.

Mayor Stearley asked that Council approve Ms. Tracy Sweat for the position of Office Assistant.

MOTION: Councilor Hill made a motion to approve Ms. Tracy Sweat as Office Assistant. Councilor Abrams seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

Ms. Muller reminded the Council that they also needed to approve the pay rate and conditions of this position.

MOTION: Councilor Hill made a motion to approve the pay rate and conditions of the Office Assistant Position. Councilor Abrams seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

6. MATTERS FROM THE COUNCILORS and/or ANNOUNCEMENTS.

B. Discussion on Citizen Complaints due to Police Action – Councilor Felton.

Councilor Felton stated that he had received an email from a citizen regarding the Police Departments handling of a robbery. He stated that he referred the issue to Chief Welch and informed the citizen that he was doing so.

Mayor Stearley stated that he took it to Chief Welch also and was pleased with the way it was handled.

Council entered into a discussion about implementing a policy for handling citizen complaints and issues with the Police Department.

Mayor Stearley requested staff to draft something with the help of the Chief.

C. Energy & Green Building Codes Proposal & Code Adoptions by Santa Fe County – Councilor Hill.

Councilor Hill gave a Power Point presentation on Energy and Green Building. He also discussed sustainability and its importance for the future.

7. MATTERS FROM THE MUNICIPAL JUDGE.

D. Judge White will present his report for the month of July, 2008.

E. Ordinance No. 2003-12 Litter and Anti-Blight Letter to the Council.

These items were tabled, as the Judge was not present.

8. PUBLIC SAFETY UPDATE – Chief Paul Welch.

Chief Welch presented his first report for the Police Department. He described what was on the report including the calls that they responded to. He stated that they would continue to respond to all calls even when they were out of jurisdiction and that they would sort out the paperwork later.

Chief Welch stated that everything was going smoothly and he commended the Mayor and Council on their handling of the citizen complaint. He asked that all such calls be referred to him for investigation

Mr. Phil Gallegos of NMDOT reported that the speed limit on 344 was going to increase to 40MPH and that the signs had been ordered and would be installed upon arrival.

9. MATTERS FROM THE ATTORNEY.

Initials

10. APPROVAL OF PREVIOUS MINUTES.

F. Regular Council Meeting Minutes of July 16, 2008.

Ms. Muller stated that she had a correction to Page 6 Item O correcting Mr. Ring's statement to state Administrator instead of Manager.

Councilor Simmons stated that she would like the Minutes to reflect that the weeds in front on Wal-Mart were on Town property and not Wal-Mart.

Councilor Abrams asked for a correction to the first statement to clarify that not all Councilor were present.

MOTION: Councilor Simmons made a motion to accept the Minutes of July 16, 2008 with the corrections and amendments as requested. Councilor Felton seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

11. ACKNOWLEDGE RECEIPT OF THE PLANNING & ZONING COMMISSION MEETING MINUTES.

G. Regular Commission Meeting of July 21, 2008.

MOTION: Councilor Simmons made a motion to acknowledge the receipt of the Planning & Zoning Commission Meeting Minutes with comment.

Councilor Simmons commented that the Town might be at cross-purposes when it comes to Ponding and this issue should be looked into.

Councilor Hill seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

12. ORDINANCE NO. 2003-12 LITTER AND ANTI-BLIGHT REVIEW - Councilor Simmons and Mr. Harlan Lawson.

MOTION: Councilor Simmons made a motion to table this item. Councilor Hill seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

13. RESOLUTION NO. 2008-48 RESTRICTION FOR THE USE OF GROSS RECEIPTS TAX DERIVED FROM NEW CONSTRUCTION – Councilor Hill.

Councilor Hill discussed this resolution and commented on the housing industry in that

New Mexico stands to lose 40 –50 % of its building contractors over the next year or so. Councilor Hill read the Resolution for the benefit of the public.

Councilor Hill described exactions and how they are applied, discussing the money that Wal-Mart spent on road improvements.

Councilor Simmons commented on the process that Albuquerque used to fund Capital improvements.

Councilor Hill clarified on the current process in use in Albuquerque.

Councilor Felton commented on the wording of the resolution and asked if it should not be more specific.

Councilor Felton also requested that the wording be changed to read:

Whereas the Council has determined that it is NOT in the best interest of the Town to adopt Impact Fees at this time.

Councilor Felton also expressed concern over accounting breakdown and separation of construction funds.

Ms. Mahalick discussed the road construction GRT's and the ability to track the funds.

Councilor Felton discussed CIP vs. ICIP with Ms. Mahalick and stated that he would like to see sewer and roads broken out.

Mayor Stearley discussed having a spend plan every year for construction revenue.

Councilor Hill discussed the correlation of Construction GRT's and Community Development.

Mayor Stearley discussed the sewer hook-up fees and asked if Councilor Hill if he had any experience with this issue.

Councilor Hill stated that the wording had to be very specific to what the fee was actually going towards.

Councilor Abrams stated that he was not comfortable with a Resolution in the negative and would rather a Resolution state what the Town will do, instead of what it will not do.

Councilor Abrams feels that this issue may be a little pre-mature.

Councilor Hill stated that he had issue with taxing the community and then not providing any benefits for the community. He also stated that there needs to be a methodology in place that can be modified later.

Councilor Felton suggested that this issue be revisited later and discussed in depth.

Councilor Hill stated that he would make revisions and bring this back to Council at a later date.

MOTION: Councilor Simmons made a motion to table this Item until the next Regular Council Meeting. Councilor Felton seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

14. **COMMUNITY DEVELOPMENT REPORT.**

H. NMDOT Discussion for Church Road East.

Ms. Mahalick stated that this issue was raised during Final Plat Approval and the Town has some concerns which were reviewed by NMDOT and the Engineer.

Mr. Phil Gallegos introduced himself stating that he is the Assistant District Engineer for Engineering Operations for District 5 of NMDOT.

Mr. Gallegos discussed the issues with the medians at Wal-Mart and future development. He also stated that if the median is changed, that the Town would be responsible for returning it to the original plan.

Mr. Gallegos stated that Church Street is the Town's responsibility and he gave some suggested options for a solution.

Ms. Mahalick stated that Tierra West did offer to put in a curb and that NMDOT Engineer did approve it but that this was a Council decision.

Mayor Stearley asked where the water would go.

Ms. Mahalick asked Mr. Bohannon Tierra West do respond.

Mr. Bohannon described the curb and the status of the plans as dictated by the traffic study.

Mayor Stearley asked about its location.

Councilor Felton asked if this would narrow the lane.

Mr. Bohannon stated that it would be placed at the edge and would not narrow the lane.

Councilor Hill asked if Ms. Mahalick could have the options written up along with possible costs so that the Council could discuss it in more detail.

Mayor Stearley stated that at some point the Town will have to purchase this right-of-way.

Mr. Gallegos stated that if the Bassett's decided to develop this property then they would be responsible for the improvements.

Ms. Mahalick stated that the Engineer agreed that the curb would address the drainage issues.

Mayor Stearley stated that he felt the curb was the best solution at this time.

Councilor Simmons made a comment on the repairs to fences.

Ms. Mahalick clarified the intention of Council regarding this issue.

Mayor Stearley asked if Wal-Mart could be required to put in a swale.

Ms. Mahalick stated that a swale was called for on the plans on the South side.

Mayor Stearley asked why it had not been put in place at the time of the construction.

Mr. Bohannon stated that the as-builts were not consistent with the plans and it would not fit.

Councilor Simmons asked the Mayor and Council to review a portion of the Planning & Zoning Minutes.

MOTION: Councilor Simmons made a motion to table this item until the next Regular Meeting. Councilor Felton seconded for discussion.

Councilor Felton asked at what point was it recognized that the planned swale was not installed.

Ms. Mahalick responded with an explanation of the events that transpired.

Mayor Stearley asked staff to get an estimate of costs to acquire the right-of-way.

Ms. Mahalick stated that she would have Tierra West bring the design before Council for approval.

Mr. Gallegos will forward the options discussed to Ms. Mahalick.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

I. Capital Infrastructure Advisory Committee Report.

Ms. Mahalick stated that the committee has reviewed the BBC Land Use Assumptions and the Capital Improvement Plan. She discussed some of the concerns that the committee had at this time.

Councilor Hill stated that at the time the resolution is presented he would include a dismissal of the committee.

Councilor Felton stated that a committee may still be required after the passing of the resolution and to keep that in mind.

J. Resolution No. 2008-47 New Mexico Department of Transportation Municipal Arterial Program.

Ms. Mahalick updated the Council on this item stating that there were sufficient funds at this time.

MOTION: Councilor Simmons made a motion to pass Resolution No. 2008-47. Councilor Abrams seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

K. Resolution No. 2008-49 New Mexico Environment Department Special Appropriation No. 08-3139-STB- Designation of Grant Agreement Signatory Authorities.

Ms. Mahalick reviewed this item.

MOTION: Councilor Felton made a motion to pass Resolution NO. 2008-49. Councilor Hill seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

L. Infrastructure Capital Improvement Plan (I.C.I.P.)

- Sewer
- Streets
- Municipal Complex
 - Public Works.
 - Town Hall
 - Public Safety
 - Animal Shelter
 - Library

- Recreation Center
- Open Space & Trails

Ms. Mahalick explained this Item to the Council and Mayor stating that a Public Safety Facility needed to be added.

M. Sign Committee Presentation.

Mayor Stearley stated that the committee did not get a chance to prepare this presentation.

MOTION: Councilor Abrams made a motion to table this item. Councilor Felton seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

15. RESOLUTIONS.

N. Resolution No. 2008-42 Sign Ordinance Resolution Amendment.

Ms. Mahalick reviewed the enforcement of non-conforming signs and the solution. She added some wording to solve the problem of enforcement.

Councilor Simmons made a statement about the difference between non-conforming and non-compliance in reference to the signs.

Ms. Mahalick responded saying that she had not made any changes to the original reflecting this.

Ms. Mahalick read a portion of the Ordinance and stated the wording that would correct the problem.

Councilor Abrams clarified his understanding of the paragraph in question.

Council and the Mayor entered into a discussion about the Ordinance and the wording.

Councilor Felton stated that he felt that removing sentence number 1 from item 2 and revise the second sentence to read:

Any non-conforming signs remaining after expiration of this moratorium will be subject to the terms and conditions of the Town of Edgewood sign Ordinance.

MOTION: Councilor Hill made a motion to amend Resolution No. 2008-42 as stated. Councilor Felton seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

16. ANIMAL CONTROL REPORT – Officer Victoria Murphy.

O. Animal Control report for the month of July, 2008.

Ms. Vicki Murphy reviewed her report.

Initials

Councilor Simmons asked about the cat house permit.

Ms. Murphy stated that the Town permitted as well as CID

P. Ordinance No. 2003-02 Review of the Draft Animal Care & Control Ordinance.

Ms. Murphy reviewed the Draft Ordinances for Council explaining some of the changes and additions.

Ms. Murphy asked Council to amend Resolution 2008-30, which is the Fee Schedule, and the change pertains to the Intact License Fee for companion animals.

Councilor Simmons commented on Potentially Dangerous Animals and asked about protection from people trespassing on her pastures.

Ms. Murphy stated that under the definition of Potentially Dangerous Animals there are exceptions for the owners of the animal and that all these are addressed in the Ordinances.

Councilor Felton made a statement about the livestock running at large and the dangers of vehicle vs. animal.

MOTION: Councilor Hill made a motion adopt a new Ordinance and take it to Public Hearing at the Regular Council Meeting scheduled for September 3, 2008.
Councilor Abrams seconded for discussion.

Councilor Abrams asked about rescinding the current Ordinance in order to enforce the new Ordinance and that the Agenda reflect this.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

17. PARKS & RECREATION REPORT – Mr. Roger Holden.

Q. Parks & Recreation Meeting Minutes for the month of March, 2008.

Mr. Holden reviewed the minutes.

R. Parks & Recreation Meeting Minutes for the month of June, 2008.

Mr. Holden reviewed the minutes.

S. Athletic Fields.

Mr. Holden discussed leasing additional 40 acres for future growth as well as the grass for the fields.

Councilor Hill asked about irrigation equipment installation and material.

Mr. Holden clarified that it did not include water.

Councilor Felton asked about the polymer technology and whether or not it had been tested in New Mexico soil.

Mr. Holden stated that it had.

Councilor Felton asked about User Fees.

Mr. Holden responded.

T. Proceed with process to annex Section 32, 34, and 80 acres BLM.

Mr. Holden reviewed this item for Council.

Initials

Mayor Stearley stated that he felt that Council was in agreement to move forward and then bring it to Council.

Councilor Abrams asked if the draft for the Open Space Ordinance needed to be discussed.

Mayor Stearley stated that he wanted to defer this until he had received some additional input.

Councilor Felton asked about specifications from BLM on fencing.

Mr. Holden responded stating that he would ask BLM about the fencing.

U. East Mountain Regional Trails Council (EMRTC) Meeting Minutes of July 29, 2008. Reviewed.

V. Memorandum of Understanding for an East Mountain Regional Trails Council.

Mr. Holden reviewed this item for Council.

18. PUBLIC COMMENTS. (Limit to 2 minutes per person).

Note: If you plan to testify under Public Hearings, please do not sign up for this same topic.

Ms. Alicia Linsley and Felicia (no last name provided) discussed Wildlife West Donations stating that she had raised \$20.00 by painting faces at the Music Festival and did not understand why the Town did not uphold its promise to support the festival.

Mayor Stearley thanked them for their comments.

Councilor Simmons stated that this was an example of the dedication that the community had for this venue.

Mr. Chuck Ring discussed moving the Public Comments to 7:30PM and also the Library moving to a new facility as well as building on Section 16.

Mr. Frank Hetznecker discussed the fire fighting facility and equipment for the Town is not up to par for tall buildings. He stated that maybe the Town could require the owners of tall buildings pay for the Snorkle.

Mr. Ralph Hill discussed Impact Fees and his objections to them because he has not seen any of the money put back into the community.

Councilor Hill stated that the Impact Fee money goes to the Santa Fe County Fire Department and perhaps the committee should look into it.

Ms. Carol Ring discussed fireworks ban, weeds South of Wal-Mart and on 344 as well as the Library and building on Section 16.

Mr. Clark McDuel of High Desert Riders discussed the Run, Rally, & Rock Parade and extended an invitation to any riders who would like to join them in the Parade.

19. PUBLIC HEARINGS.

Initials

Legislative Procedure: Certification that Public Notice of this Meeting has been posted as required:

Ms. Mahalick certified that Public Notice of this Meeting had been posted as required.

Note: This item was tabled from the Council Meeting of July 16, 2008

W. Amend the Subdivision Ordinance for Procedures on Naming Roads.

Ms. Mahalick read the portion of the Subdivision Ordinance that was amended for the Council.

Councilor Felton discussed the wording and requested that 2 sentences be used for clarification.

Mayor Stearley requested a change to the 4th sentence in the same section to reflect the percentage of the road that is owned.

Councilor Hill clarified the intention of the amendment and that may be asking for too much detail and that this is just a means of getting the majority voters to come forward.

Councilor Felton asked about the instance that citizens petition the town and whether or not it would go to Public Hearing and that it should.

Ms. Mahalick stated that it did not.

Councilor Hill agreed that it in both instances it should go to Public Hearing.

Mr. Ring stated that he felt the Council has the final say and that they should move forward.

Ms. LuAnn Hunt stated that she had circulated a petition to the name change affect.

Councilor Hill read the language wordage that Council would like to use in the amendment as follows:

A public hearing, with proper notice to the public, shall be held at which time a final determination will be made by the governing body to change the road name.

MOTION: Councilor Hill made a motion to adopt an amendment to Ordinance No. 2005-14. Councilor Felton seconded the motion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

Certification that Public Notice of this Meeting has been posted as required:

Ms. Muller certified that Public Notice of this Meeting had been posted as required.

X. Proposed Ordinance No. 2008-02 Establishment of Public Library and Advisory Board.

Mayor Stearley read the proposed Ordinance at this time.

Mayor Stearley asked to have the statement, "as are other funds of the Town" stricken from the document.

Initials

Councilor Hill asked that the Advisory Board Members be referred to as such, in all sections of the document, instead of Trustees.

Councilor Abrams asked about the creation of a Head Librarian Position and that it be placed on the Agenda in the near future.

Ms. Muller stated that this would be presented to the Council for approval on the job description and the pay rate.

Councilor Felton stated that this document creates the Library as a Municipal entity and it will come over with the same structure that it has now until the Town changes it.

Councilor Felton stated that Council needed to create paid positions as soon as possible.

MOTION: Councilor Felton made a motion to approve Ordinance 2008-02 as amended. Councilor Simmons seconded the motion.

Mr. Don Holle made a statement regarding ADA compliance.

Mr. Chuck Ring discussed the Town requesting bids to bring the current Library location into compliance while construction on the new facility takes place.

Ms Janelle Turner discussed a modular wheel chair ramp.

Councilor Felton discussed the liability that the Town is probably already subject to regarding the Library's ADA compliance and stated that the Council needed to move forward.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

20. CONSIDERATION OF LEASE WITH THE SALVATION ARMY AT BROOKS CENTER FOR THE LIBRARY.

Mayor Stearley reviewed the pros and cons on these locations for the Library.

Councilor Hill asked about the notice to the public stating that the building was not ADA compliant.

Mayor Stearley discussed the notice stating that the staff has and will assist any ADA patrons and that this qualified as reasonable accommodations.

Councilor Hill stated that he felt it should read "Concurrent" as opposed to "Compliant".

Councilor Abrams asked what the current square footage was for the Library.

Councilor Simmons commented about the ADA parking in front of the Post Office and the issue of ice accumulation.

Councilor Hill made a statement about the buildings not being green as far as energy use.

Councilor Abrams asked about subsidizing the spaces as means to save some money on the leasing of the building.

Mayor Stearley discussed the electrical, sprinklers, and heating and cooling.

Councilor Hill made a comment about the building not being green.

Mayor Stearley discussed the lighting stating that it may need to be increased.

Councilor Hill stated that he would like it to be Town policy that any buildings that the Town invests in be at least minimally green, as well as the costs to do this.

Mayor Stearley stated that he disagreed, as these buildings would be leased.

Councilor Hill stated that in the near future this would be demanded of Government facilities as a rule.

Councilor Felton made a comment about the ease with which this be done to modify these considered locations.

Councilor Hill responded.

Councilor Felton stated that it might be time to get some estimated costs to make these buildings more green.

Councilor Simmons asked about the legislative monies available for the design of a Library.

Councilor Hill stated that it would be cheaper in the long run to build new as opposed to retrofitting old facilities.

At this time the Mayor and Council heard comments from the audience.

Mayor Stearley responded regarding the lease.

Mayor Stearley asked the Council to approve the Contract with Salvation Army contingent on a final decision to be made at the budget meeting.

Councilor Simmons about ADA access at the rear of the building.

Councilor Abrams clarified that there are stairs and would not be ADA accessible.

Councilor Hill stated that he was not inclined to approve of this right now.

MOTION: Councilor Felton made a motion to empower the Mayor pending a positive review by the Town Attorney to sign this contract for the purpose of holding the property for 2 weeks. Councilor Abrams seconded the motion with an amendment adding that this contract be brought before Council for in depth discussion.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted nay. Councilor Simmons voted nay. Mayor Stearley voted aye. The motion carried.

21. BUDGET RESOLUTION NO. 2008-50 Library Building Lease.

MOTION: Councilor Hill a motion to approve Resolution 2008-50 creating a Library Fund in the amount of \$12,000.00. Councilor Abrams seconded the motion.

VOTE: Councilor Simmons voted aye. Councilor Hill voted aye. Councilor Felton voted aye. Councilor Abrams voted aye. The motion carried.

Certification that Public Notice of this Meeting has been posted as required:

Y. Proposed Ordinance No. 2008-03 Open Space & Trails Ordinance to include an Open Space Fence and Gate Policy.

This item was tabled until the next Regular Council meeting.

Initials

Certification that Public Notice of this Meeting has been posted as required:

Ms. Mahalick stated that Public Notice had been posted as required.

Z. Amending Line Items in the Clean Water Loan Ordinance to be specific to Rural Infrastructure Loan Ordinance and Amending the Ordinance Name.

Ms. Mahalick reviewed the amendments to this item.

MOTION: Councilor Simmons made a motion to approve the Ordinance with the amendments as presented. Councilor Hill seconded the motion.

There was no public comment at this time.

VOTE: Councilor Abrams voted aye. Councilor Felton voted aye. Councilor Hill voted aye. Councilor Simmons voted aye. The motion carried.

Quasi Judicial Procedure: Certification that Public Notice of this Meeting has been posted as required:

Ms. Mahalick certified that public notice had been posted as required.

This case is being heard under provisions required by the New Mexico Court of Appeals intended to protect the rights of all parties and their witnesses and the swearing in of all parties giving testimony. The affected parties will have the right to cross-examine persons giving testimony.

Confirmation of no conflict of interest or ex-parte communication.

Councilor Abrams confirmed no conflict of interest or exparte communication.

Councilor Felton confirmed no conflict of interest or exparte communication.

Mayor Stearley confirmed no conflict of interest or exparte communication.

Councilor Hill confirmed no conflict of interest or exparte communication.

Councilor Simmons confirmed no conflict of interest or exparte communication.

AA. AT&T to Relocate on the Lattice Tower located on the North side of Route 66 in Section 20, T10N,R7E, in the Town of Edgewood, New Mexico.

Ms. Mahalick reviewed this item for Council.

Mr. Mel Patterson from the Center for Municipal Solutions addressed the issues of load on the tower and recommended an additional condition be placed on the approval stating: *Further analysis to re-evaluate and meet the requirements including all approved and existing and proposed antennas to the tower.*

Councilor Simmons asked where the additional condition be placed on the document.

MOTION: Councilor Simmons made a motion to approve this special use application based on the 8 conditions including the drainage plan that was presented. Councilor Abrams seconded for discussion.

Initials

Councilor Abrams asked Mr. Patterson about the wind rating standards.
Mr. Patterson explained the standards for New Mexico stating that it also included an ice load rating.

Mr. Patterson discussed the modifications that can be made if the loading requirements are exceeded.

Councilor Felton asked for clarification on the number of conditions.

Mr. Patterson clarified that there was also an item regarding a drainage plan that he had placed on his list of conditions.

Councilor Simmons made an amendment to her motion to include the drainage plan.

Councilor Abrams asked Ms. Mahalick about the vacation of the monopole tower.

Ms. Mahalick stated that there was another structure present and it would remain.

22. ANNOUNCEMENTS, CALENDAR REVIEW & FUTURE AGENDA ITEMS.

BB. Regular Council Meeting – August 20, 2008 @ 6:30 P.M.

Councilor Hill requested that the Public Comments be moved to 7:30 P.M.

CC. Public Works/Sewer Facility Tour/Wal-Mart Sewer – September 6, 2008

23. ADJOURN.

MOTION: Councilor Simmons made a motion to adjourn the meeting. Councilor Hill seconded the motion.

VOTE: All Councilors voted aye.

Mayor Stearley adjourned the meeting at 11:01 P.M.

APPROVED AND ADOPTED this 20th day of AUGUST, 2008.

Honorable Robert Stearley, Mayor

ATTEST:

Estefanie B. Muller, Clerk-Treasurer

